



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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**Testimony of Stephen N. Ment
Public Safety and Security Committee Public Hearing
February 15, 2011**

**House Bill 5341, An Act Requiring The Collection Of DNA From
Persons Arrested For A Serious Felony**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in regards to *House Bill 5341, An Act Requiring the Collection of DNA From Persons Arrested for a Serious Felony*.

While the Judicial Branch takes no position on the substance of the bill, we would respectfully note that two aspects of the bill must be clarified for implementation purposes:

- The bill requires the taking of a DNA sample at the time of arrest for a person arrested for a "serious felony", but does not define the term "serious felony". We respectfully suggest that this term be defined in the bill, either by citing applicable statutes or by identify the applicable classes of felony.
- Section 1(a) and section 2(a)(1) could be in conflict. Section 1(a) states that is the responsibility of the arresting agency to specify when the DNA taking will take place, while section 2(a)(1) indicates that the collection is to be done by the custodial agency. This could be problematic in instances where the arresting agency is not the same as the custodial agency. For example, there are several arresting agencies who take their arrests and "house" them in the custody or supervision of another agency, such as 24-hour lock-ups operated by the Judicial Branch in Hartford and New Haven, or arrestees brought to a DOC facility. In such situations, it is not clear which agency would be required to take the sample. We would respectfully suggest that 2(a) make it clear that the arresting agency is responsible for the collection.

Thank you for the opportunity to submit written testimony in regards to this bill.